

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MO-KAN IRON WORKERS)
PENSION FUND, et al.,)
)
 Plaintiffs,)
)
)
vs.) Case No. 16-00393-CV-W-ODS
)
)
PRECISE CONCRETE, LLC,)
)
)
 Defendant.)

ORDER (1) GRANTING PLAINTIFFS' MOTION FOR ENTRY OF MONEY DAMAGES,
AND (2) ENTERING DEFAULT JUDGMENT AGAINST DEFENDANT

This matter was instituted in May 2016. Doc. #1. After Defendant failed to file an answer or otherwise respond to Plaintiffs' Complaint, the Court directed Defendant to show cause as to why default judgment should not be entered. Doc. #4. Defendant filed no response. Accordingly, the Court found Defendant in default. Doc. #6. The Court also ordered Defendant to submit its books, records, and other financial documents to Plaintiffs so that they may be examined and an accounting performed. *Id.*

On July 15, 2016, Plaintiffs filed the pending motion, which seeks entry of money damages. Doc. #8. After Defendant failed to timely respond to the motion, the Court directed Defendant to show cause as to why the relief sought by Plaintiffs should not be granted. Doc. #10. The Court ordered Defendant to respond on or before August 26, 2016, but no response was filed. Therefore, Plaintiffs' motion is ripe for consideration.

According to the evidence submitted by Plaintiffs, Defendant entered into a promissory note in February 2016 in favor of Plaintiffs in the total principal amount of \$36,389.97, which represents contributions due to Plaintiffs for the period of July 1, 2015, through January 16, 2016. Doc. #9, at 1; Doc. #9-1. The promissory note remains unsatisfied. In addition, Plaintiffs conducted an audit of Defendant's books and records for the period of January 13, 2016, through April 19, 2016, which revealed \$35,429.66 was due in contributions, liquidated damages, and interest. Doc. #9, at 2; Doc. #9-2.

Plaintiffs request judgment be entered in their favor and against Defendant in these amounts. After careful consideration of Plaintiffs' motion and supporting affidavit and exhibits, the Court grants Plaintiffs' motion. The Court enters a final judgment in favor of Plaintiffs and against Defendant Precise Concrete LLC in the total sum of \$71,819.63. That amount is broken down as follows:

(1) In favor of Mo-Kan Iron Workers Pension Fund, Mo-Kan Iron Workers Welfare Fund and the Mo-Kan Iron Workers Apprenticeship, Training and Education Fund and against Defendant in the amount of \$36,389.97. This amount represents the balance of the promissory note executed in February 2016 that remains unsatisfied.

(2) In favor of Mo-Kan Iron Workers Pension Fund against Defendant in the amount of \$12,485.76. This amount represents unpaid contributions, liquidated damages, and interest for the period of January 13, 2016, through April 19, 2016.

(3) In favor of Mo-Kan Iron Workers Annuity Plan and against Defendant in the amount of \$10,790.51. This amount represents unpaid contributions, liquidated damages, and interest for the period of January 13, 2016, through April 19, 2016.

(4) In favor of Mo-Kan Iron Workers Welfare Fund and against Defendant in the amount of \$11,209.43. This amount represents unpaid contributions, liquidated damages, and interest for the period of January 13, 2016, through April 19, 2016.

(5) In favor of Mo-Kan Iron Workers Apprenticeship, Training, and Education Fund and against Defendant in the amount of \$943.96. This amount represents unpaid contributions, liquidated damages, and interest for the period of January 13, 2016, through April 19, 2016.

The Clerk's Office is directed to send two copies of this Order, one via first class mail postage prepaid and one via certified mail, return receipt requested, to: Precise Concrete, LLC, c/o Legalinc Corporate Services, Inc., Registered Agent, 12747 Olive Boulevard, Suite 300A, St. Louis, Missouri 63141.

IT IS SO ORDERED.

DATE: August 30, 2016

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT